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4 Subchapter V Trustee

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6 UNITED STATES BANKRUPTCY COURT
7 NORTHERN DISTRICT OF CALIFORNIA
8 SAN JOSE DIVISION

9 In re :) Case No.: 21-50915 SLJ
10) Chapter 11 - Subchapter V
11)
11 PIERCE CONTRACTORS, INC.,) **TRUSTEES' STATEMENT OF POSITION RE:**
12) **PLAN REVIEW CONFERENCE**
12)
13 Debtor.) **DATE: SEPTEMBER 2, 2021**
14) **TIME: 10:00 am**
14) **Court: Via Telephone or Video Only***
15)

16 Gina R. Klump, Subchapter V Trustee ("Trustee") respectfully
17 submits this Statement of Position Regarding the Debtor's Plan of
18 Reorganization in advance of the Plan Review Conference as follows:

19 Administrative: This case was commenced July 9, 2021. The Debtor
20 has not filed its Monthly Operating Report for July 2021. The report
21 is necessary in order to adequately analyze the feasibility of the
22 Debtor's proposed Plan.

23 Undisputed Claims Not Accounted for in Plan:

24 Without any additional information, it is unclear why the
25 following undisputed priority claims were not accounted for in the
26 Plan.

27 Claim No. 5 - Franchise Tax Board, Priority in the amount of
28 \$3,457.14; General Unsecured: \$1,643.18;

Additionally, Article 1 indicates there are zero classes of priority claims. An amended plan should be filed to account for this priority claim.

Claim No. 3 - Acar Leasing, in the amount of \$3,763.17, the debtor has not indicated an intent to assume or reject this lease.

Article 4 Classes 2 and 3 indicate they are "unimpaired" by the Plan, however they appear to be impaired since they are to be treated as unsecured claims and the liens are to be stripped.

Pages 2 - 6 of the Plan list an incorrect Debtor name and case number.

The Trustee has no objections per se to the Plan, however, wishes to offer the above comments regarding the Plan as presently filed.

Respectfully submitted,

Dated: August 26, 2021

/s/ Gina R. Klump

Gina R. Klump

Subchapter V Trustee

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TRUSTEE'S STATEMENT OF POSITION RE: PLAN REVIEW CONFERENCE

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I have personal knowledge of the foregoing and if called as a witness, I could and would so testify. Executed at Petaluma, California on August 26, 2021.

Debtor's Attorney:

Debtor:

Pierce Contractors, Inc.
194 Lantz Drive
Morgan Hill, CA 95037